

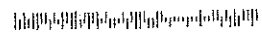
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
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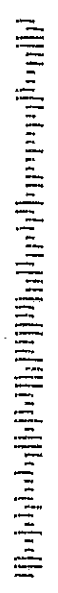
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FOIA APPEAL

Send to NARA
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RM 3110

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MuckRock News
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FOIA APPEAL

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U.S. DEPT. OF ENERGY
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Defense Threat Reduction Agency
FOIA Appeal
8601 Adelphi Road
College Park, MD 20740-6001

November 16, 2018

This is a follow up to request number 18-00267-KM:

To Whom It May Concern:

This is an appeal of FOIA request 18-037. I am appealing the integrity of the search performed and the records received. I am particularly disappointed to find out after patiently waiting for ten months, that all your agency is willing to release is a thirty second excerpt of a previously declassified (and declassified twenty years ago, for that matter) film. A prior FOIA request filed with the National Nuclear Security Administration (NNSA) (18-00063-M) turned up a different thirty second excerpt of the film. Between your two agencies, I find it incredulous that a complete copy of the film as originally declassified in 1997 cannot be found. Please conduct a new search for the film as outlined in my initial request, and if necessary, reach out to the National Technical Information Service as they may also have a copy of the film in their holdings.

Thank you in advance for your anticipated cooperation in this matter.

Sincerely,
Paul Galante

Filed via MuckRock.com
E-mail (Preferred): 47741-16707660@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News
DEPT MR 47741
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Oct. 31, 2018:
A copy of documents responsive to the request.

MuckRock News
DEPT MR 47741
411A Highland Ave
Somerville, MA 02144-2516
47741-16707660@requests.muckrock.com

On Oct. 31, 2018:
A copy of documents responsive to the request.

On Aug. 31, 2018:
Mr. Galante,

Our final response is attached to your FOIA request 18-037.

V/r,
Pamela Andrews
Senior FOIA Policy Analyst and DTRA FOIA Liaison
Office of the General Counsel
Phone: 703-767-1792

On Aug. 13, 2018:
Sir,

We apologize for the delay. As you may know, we work requests on a "first-in, first-out" basis. I currently have 39 cases in front of yours; however, the search for responsive documents to your request appears to have been completed. As such, the ECD for a final response to your request is Friday, August 31. Please let me know if you have any additional questions.

V/r,
Pamela Andrews
Senior FOIA Policy Analyst and DTRA FOIA Liaison
Office of the General Counsel
Phone: 703-767-1792

On June 13, 2018:
Sir/Ma'am,

this FOIA Request is among several being readied for a legal review. As such the ECD for a response to this FOIA Request is now 22 June. Please let me know if you have any additional questions.

V/r,
Pamela Andrews
Senior FOIA Policy Analyst and DTRA FOIA Liaison
Office of the General Counsel
Phone: 703-767-1792

MuckRock News
DEPT MR 47741
411A Highland Ave
Somerville, MA 02144-2516
47741-16707660@requests.muckrock.com

On Jan. 18, 2018:
To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

A copy of the film "Naval Atomic Weapons Vulnerability Program", which can be found under the accession number 0800045. This film was declassified, with sanitization, in 1997 as part of a series of historic nuclear test films. If DTRA is no longer in possession of a declassified copy of this film, please refer this request to an agency that does; a likely candidate would be the National Technical Information Service.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Paul Galante

Filed via MuckRock.com
E-mail (Preferred): 47741-16707660@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News
DEPT MR 47741
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



Department of Energy
National Nuclear Security Administration
Office of the General Counsel
P. O. Box 5400
Albuquerque, NM 87185



OCT 25 2018

SENT VIA FEDEX

Mr. Paul Galante
MuckRock News
411A Highland Avenue
Somerville, MA 02144-2516

MR 47741

Dear Mr. Galante:

This letter is the final response to your January 18, 2018, Freedom of Information Act (FOIA) request. You requested a copy of the film "Naval Atomic Weapon Vulnerability Program".

Your request was originally sent to the Defense Threat Reduction Agency (DTRA) for processing. DTRA transferred your request to our office for review and release processing on the two videos and it was received in our office on September 6, 2018.

We conducted a review and release on the two videos we received from DTRA.

Responsive Record

The requested videos have been reviewed and determined fully releasable. Therefore, the videos are being provided to you in their entirety.

VTs_01_1
VTs_01_02

The adequacy of the search, may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line (This is the method preferred by the Office of Hearings and Appeals). The appeal must contain all of the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either: 1) in the district where you reside; 2) where you have your principal place of business; 3) where DOE's records are situated; or 4) in the District of Columbia.

You may contact DOE/NNSA's FOIA Public Liaison, John Weckerle, Acting Director, Office of General Counsel, at 866-747-5994, or by mail at Department of Energy, National Nuclear Security Administration, Office of the General Counsel, P.O. Box 5400, Albuquerque, NM 87185 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Mr. Paul Galante

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OCT 25 2018

Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

There are no charges to you for processing your FOIA request.

If you have questions, please contact Kari Martinez by e-mail at Kari.Martinez@nnsa.doe.gov or write to the above address. Please reference Control Number FOIA 18-00267-KM.

Sincerely,

JOHN
WECKERLE

John Weckerle
Authorizing & Denying Official

Digitally signed by JOHN
WECKERLE
Date: 2018.10.23 14:27:37
-06'00'

Enclosure

Mr. Paul Galante

3

File No.: FOIA 18-00267-KM



NATIONAL
ARCHIVES

November 28, 2018

Director, Office of Hearings and Appeals
HG-1, L'Enfant Plaza
U.S. Department of Energy
1000 Independence Ave., SW
Washington, D.C. 20585-1615

RE: FOIA Appeal of Paul Galante

Dear Sir/Madam:

On November 27, 2018, we received by U.S. Mail the enclosed FOIA Appeal from Mr. Paul Galante that concerns his FOIA request responded to by the Department of Energy (DOE), National Nuclear Security Administration, Office of General Counsel in Albuquerque, NM. He mailed his Appeal to our street address by mistake. He also mistakenly addressed it to the Defense Threat Reduction Agency who had referred his original request to DOE for response. We think he is confused that OGIS handles appeals, and OGIS is part of NARA. He does not understand that OGIS is a mediation and dispute resolution office, and not an appellate authority.

I am copying Mr. Galante on this letter. Please contact me if you have any questions.

Sincerely,

Susan Gillett
Government Information Specialist
Office of General Counsel
Tel: 301-837-3409
Email: susan.gillett@nara.gov

Cc: Paul Galante

NATIONAL ARCHIVES *and*
RECORDS ADMINISTRATION

8601 ADELPHI ROAD
COLLEGE PARK, MD 20740-6001

www.archives.gov

/s/ 11.28.2018

Official: NGC

Reading: NGC

Information Copy: NGC

NGC: SGillett/SG 11/28/2018

S: FOIA/FOIA CASE FILES/FY 2019 – FOIA request File code 1103-6